

DATED: Jun 27, 2003

Docket No. P1467R2P2

**COMBINED DECLARATION FOR PATENT APPLICATION
AND POWER OF ATTORNEY FOR CONTINUING APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Treatment with Anti-ErbB2 Antibodies

the specification of which (check one) ☒ is attached hereto or ☐ was filed on as Application Serial No. and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate have a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

Yes No

| Number | Country | Day/Month/Year Filed |
|--------|---------|----------------------|
|--------|---------|----------------------|

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below:

| | |
|------------|---------------|
| 60/141,316 | June 25, 1999 |
|------------|---------------|

| | |
|----------------------|-------------|
| Application Ser. No. | Filing Date |
|----------------------|-------------|

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|------------|------------------|---------|
| 10/268,501 | October 10, 2002 | Pending |
|------------|------------------|---------|

| | | |
|----------------------|-------------|--------------------------------------|
| Application Ser. No. | Filing Date | Status: Patented, Pending, Abandoned |
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| | | |
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| 09/602,812 | June 23, 2000 | Pending |
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|----------------------|-------------|--------------------------------------|
| Application Ser. No. | Filing Date | Status: Patented, Pending, Abandoned |
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POWER OF ATTORNEY: As a named inventor, I hereby appoint all Attorney(s) and/or Agent(s) associated with the following Patent Office Issued Customer Number to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.



09157

PATENT TRADEMARK OFFICE

Send correspondence to Genentech, Inc.

Attn: Wendy M. Lee

Telephone: (650) 225-1994

I hereby declare that all statements made herein of my own knowledge and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from his foreign patent agent as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

Full name of sole or first inventor

Stephen M. Kelsey

Inventor's signature

Date

Residence

360 14th Street, Montara, CA 94037

Citizenship

British

Post Office Address

1 DNA Way

South San Francisco, CA 94080

Full name of second joint inventor, if any

Mark X. Sliwowski

Inventor's signature

Date

Residence

42 Oak Creek Lane, San Carlos, CA 94070

Citizenship

U.S.A.

Post Office Address

1 DNA Way

South San Francisco, CA 94080

June 23, 2003

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| | | |
|-------------------------------|-------------------------|-----------|
| Prior Foreign Application(s): | <u>Priority Claimed</u> | |
| | <u>Yes</u> | <u>No</u> |

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Full name of sole or first inventor

Stephen M. Kelsey

Inventor's signature

Date

24 June 2003

Residence

360 14th Street, Montara, CA 94037

Citizenship

British

Post Office Address

1 DNA Way

South San Francisco, CA 94080

Full name of second joint inventor, if any

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42 Oak Creek Lane, San Carlos, CA 94070

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